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Dedication to Professor Richard S. Harnsberger

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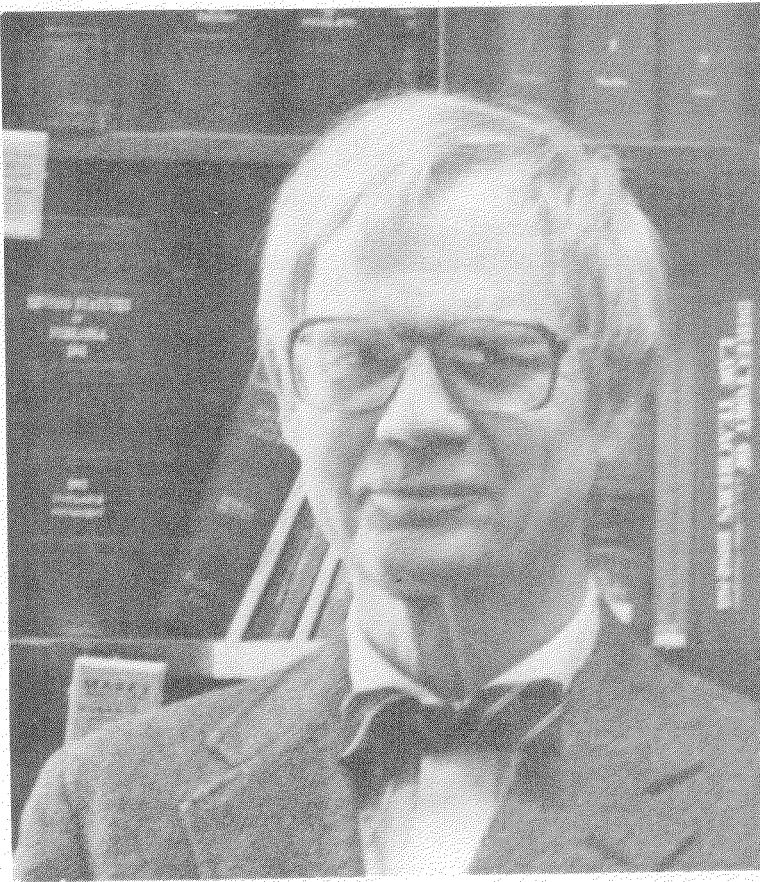
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PROFESSOR RICHARD S. HARNSBERGER

Dedication to Professor Richard S. Harnsberger

The *Nebraska Law Review* is pleased to dedicate this special symposium issue on the law of water to Professor Richard S. Harnsberger, a nationally recognized authority on water law and a distinguished contributor to the academic lives of hundreds of students at the University of Nebraska College of Law. Through this special issue, the *Nebraska Law Review* recognizes a scholar who has dedicated years of labor to the field of natural resources and environmental policy for the benefit of the State of Nebraska and sister states. This symposium issue also recognizes a professor whose scholarship, pedagogical skill and warm, unassuming nature combine to form that rare catalytic quality in a professor that sends students scrambling for seats in his seminars and classes. As students we are honored that he is on the faculty at the College of Law. As editors of the *Review*, we were especially honored to work on this issue.

We would like to express our appreciation to all the contributing authors, many of whom confided that they felt almost a moral obligation to adjust their commitments in order to contribute an article in honor of Professor Harnsberger. Recognition is also due Mark Killenbeck, who recognized keenly the contribution of Professor Harnsberger and spearheaded this project. Finally, our thanks to Professor Harnsberger, who, undoubtedly in a moment of weakness, permitted us to invade his modesty with this issue.

The Editors

Dedication

By Harvey S. Perlman

Dean, University of Nebraska College of Law

A law school is a changing institution; its personnel and its program are in constant flux. One role of a Dean is to find some shared impressions of the institution that can span the various graduating classes and upon which one can build institutional support. As memories fade only the most vivid experiences remain. Most law students will remember the first year experience (perhaps even the first time they were asked to recite, and the case, and what they said). For well over a generation of such classes at the University of Nebraska College of Law, one of those shared and vivid experiences has been to know Professor Richard Harnsberger.

When I meet with alumni throughout the country one of the first questions is: "How's Professor Harnsberger?" The tone of the question discloses more than a mere curiosity about the law school; a fondness for him is obviously displayed.

Dick Harnsberger as a teacher has provoked many of us toward deeper thoughts. His devil-inspired positions, his analogies that seem at first unfathomable, then tortured, then insightful, his look, a mixture of expectation and disbelief, all have forced us to look within ourselves for the answers to the questions he asks. As a teacher he has counseled, guided, and most unusually in the context of a law school, befriended several generations of students and continues to do so.

But this special edition of the *Nebraska Law Review* celebrates another side of Dick Harnsberger's professional career—his thirty years of active scholarship and publication. His major, but not exclusive, area of interest is water law and policy which he has pursued since his entry into legal academics as an S.J.D. candidate at the University of Wisconsin. His thesis, *Private Rights in Water* published in 1959 and his recent treatise with Professor Thorson entitled *Nebraska Water Law and Administration* published in 1984, bracket in time numerous other efforts to bring organization and sense to the perplexing problem of allocating rights to ground and surface water.

He has written for both a local and a national audience. Many of his articles have focused on exploring problems and proposing solutions geared for the State of Nebraska. This has led to his participation in a wide-variety of activities such as the Nebraska State Bar Association Committee on Water Resources, several University-wide

initiatives dealing with water resources, and several state level committees.

His writings have also received national attention. His co-authorship with other national scholars of *Water and Water Rights*, a seven-volume treatise and his selection to serve for six years on the American Bar Association Standing Committee on Environmental Law establish his national credentials.

There are other accomplishments, writings, activities, that could be reported here, but knowing Dick Harnsberger as I do, having been his student and his colleague, and being now his Dean, I suspect that I may have already trespassed more on his characteristic modesty than he might tolerate even from a friend.

In 1984 the Board of Regents approved the appointment of Dick Harnsberger as the Cline Williams-Flavel A. Wright Distinguished Professor of Law. This was the first chaired position appointed at the Law College. In meeting with all the various (and often competing) constituencies of a modern law school, I have heard nothing but praise for that appointment. That pretty much says it all.

Dedication

By John William Strong

Rosentiel Professor of Law, University of Arizona

Former Dean, University of Nebraska College of Law

This issue of the Nebraska Law Review, devoted to a Symposium on Water Law, has been most fittingly dedicated by the editors to Professor Richard Harnsberger on the occasion of his partial retirement from law teaching. It is a great pleasure and also a privilege for me to have been invited to contribute a few words about Dick to this eminently well-deserved tribute.

Retirement, even a partial retirement such as Dick's happily is, almost inevitably occasions a certain amount of nostalgic speculation on "the path not taken." I do not know if Dick has at all been subject to or troubled by this phenomenon. Certainly he should not be, for few persons have ever been as perfectly suited to the professions they have chosen, intellectually and temperamentally, as is Dick. One given to teleological explanations would say that Dick was born to be a law professor, and certainly no dissent from this proposition will be heard from his colleagues or students, of whatever philosophical bent, past or present.

This is not to say that Dick's capabilities would not have brought him success in alternative undertakings. In fact, his entry into teaching was preceded by service as an artillery officer in World War II and by several years of private law practice in Lincoln. I have no doubt that Dick was highly competent in both capacities. Ultimately, of course, these phases of Dick's career were to prove only preparatory to his real work. I am reminded of the possibly apocryphal story of former Nebraska Dean Frederick Beutel who was once required to respond to a questionnaire generated during one of those recurrent periods of political concern regarding faculty work practices. Asked how much time he had expended preparing for the current semester's classes, Beutel answered tersely, "All my life." Dick's military and practice experiences undoubtedly contributed greatly to his preparation for teaching; nevertheless there must have existed a feeling of "rightness" on both sides when Dick accepted the College's offer to join its faculty in 1956.

From the standpoint of a law school dean, and it was in that capacity that I have had my principal association with him, Dick represented the ideal faculty member, nationally recognized as a leading

authority in his area of expertise, an effective and popular teacher, and an unfailing source of good counsel and unstinting support. Some of these attributes, to be sure, generated their own administrative complications. These included the necessity of quashing the inevitable (and inevitably ingenious) student pleas to be assigned to Dick's section of any course he taught, or to be allowed to exceed the registration limits of his seminars. I did reject many such pleas, but always with a lingering sense of guilt, for I respected the good sense exhibited by the pleaders in wanting to study with Dick.

There was also substantial administrative temptation to overburden Dick, since his good sense, acute analysis, and ability to approach problems dispassionately made him an asset to any committee or undertaking. I particularly liked to have Dick serve on the faculty appointments committee, the members of which make an annual pilgrimage to Chicago to recruit new faculty. Not the least of my motives in this was the fact that Dick looks so perfectly like a law professor, always neat, formal, slightly "tweedy" and, in an era in which many law professors may easily be mistaken for rock guitarists, even a little anachronistic. I myself once went so far as to acquire a tweed motoring cap to match Dick's, but somehow I fancy that I never achieved quite the Chipsian quality that he derived from his.

Several more important attributes, however, contribute to make Dick truly distinctive as a law teacher. One is his deeply held conviction that "law professoring" is a pursuit which deserves and demands a total and full-time commitment. He has always believed that one who takes the king's shilling as a professor can only discharge the obligation thus incurred by a full devotion to teaching, academic research, and public service. He has always been quietly disapproving of any dilution of that commitment by participation in what is euphemistically known in the trade as outside activity. Dick's annually recurring search for the optimum combination of pocket, desk, and wall calendars to keep track of his time and commitments has over the years been the subject of affectionate merriment on the part of those colleagues pursued for advice on the subject. From my own observation, however, his system of the moment always sufficed, and as dean I was always apprised, almost to the minute, of where he would be and what he was about.

Perhaps even more unusual has been Dick's life-long commitment to his school and his state. In a profession in which most, including the present writer, seem constantly to have bags packed for other destinations and opportunities, Dick has been content, in a metaphor appropriate to Nebraska, to grow where he was planted. The only locale ever to challenge Lincoln in Dick's affections is Madison, Wisconsin, where Dick received his S.J.D. and with it the broad view of law and legal institutions long associated with the University of Wisconsin.

But despite Dick's occasional assertion to faculty candidates that Lincoln and Madison "are pretty much alike," Lincoln has never had a serious rival in Dick's regard. It has been largely his love of the community, and not lack of alternative opportunities, that has kept Dick at the College for over thirty years.

In recent years, Dick's many contributions to the College have been recognized in a variety of ways. His appointment to the Cline-Williams Distinguished Professorship, the College's first distinguished professorship, was eminently well-deserved, as is the dedication to him of this issue of the Nebraska Law Review. Nevertheless, the ultimately finest and most lasting tribute to Dick will be found in the thousands of Nebraska lawyers who have been influenced by his teaching and personality. Accomplished and widely recognized but invariably modest, highly demanding of himself but tolerant and sympathetic to others, analytical but always humane, the students at Nebraska could have had no finer example over the last thirty years than Professor Richard Harnsberger, truly a gentleman scholar.

Dedication

By Lawrence Berger

*Robert J. Kutak Distinguished Professor of Law,
University of Nebraska College of Law*

I have known Dick Harnsberger for some twenty-six years now as a close friend and colleague. It is very difficult to set down in short compass what a person, so professionally accomplished but still so warm and kindly, has contributed to the College and to those around him. I will just note here a few of the characteristics that have made Dick a very special person in the College of Law.

One measure of a professor is the way students past and present view him as a teacher and as a human being. As his next-office neighbor in the College, one of the things that has struck me most about Dick over the years is the way that flocks of ex-students, visiting the school to attend a continuing legal education program or just in town on business or for pleasure, pour into his office to see him. There they reminisce about the exciting times they had in his classes in Constitutional Law and Water Law or just to talk over some problems. For Dick has always performed a unique function inside the school. Though he was never appointed to the task, it seems that students have always naturally gravitated to his office when they had personal problems for which they felt they needed a warm and wise counselor. Nor was it for that purpose alone that they came; often it was just to come and talk for a few minutes about law, politics, or any other subject that might stimulate spirited discussion. It seems that somehow or other all of his students have perceived the warmth and underlying honesty and integrity that make up Dick's character.

Others in this issue are cataloguing his many accomplishments in the profession. He is, of course, a nationally recognized authority in Water Law as well as Constitutional Law. His scholarly work has been a challenging standard for the younger people who have followed him onto the faculty. As a classroom teacher, he has always ranked at the top in this College for the breadth of his understanding and the intellectual challenge that he brings to the students.

Dick is sixty-five now and has gone into a partial retirement. For some forty years, he was a devoted companion to his dear wife, Jean, until her recent untimely death. He will miss her sorely, as will their children, Steve and Scott, and their many friends. In his retirement, Dick had begun to spend more time with her than he had been able to

while a full-time member of the faculty. Sadly, he will not be able to do that any longer. I for one hope that he begins to partially fill the void left by his loss, by spending more time at the College, where his voice, counsel, and talents will always be appreciated.